

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES, INC.
SECURITIES LITIGATION

:
:
:
:
:

Civil Action No. 06-CV-2596

MOTION TO BIFURCATE THE TRIAL OF LIABILITY AND DAMAGES

Defendants Herley Industries, Inc. (“Herley”), Lee Blatt (“Blatt”), Myron Levy (“Levy”), Anello C. Garefino (“Garefino”), Thomas V. Gilboy (“Gilboy”), and John M. Kelley (“Kelley”), by and through their undersigned counsel, respectfully submit Motion to Bifurcate The Trial of Liability and Damages, pursuant to Rule 42(b) of the Federal Rules of Civil Procedure. For the reasons set forth in the attached Memorandum of Law, which is incorporated by reference, Defendants respectfully request that an Order be entered in the proposed form attached.

April 7, 2010

Respectfully Submitted,

/s/ James T. Smith

James T. Smith, Esquire
Evan H. Lechtman, Esquire
Nakul Krishnakumar, Esquire
BLANK ROME LLP
One Logan Square
Philadelphia, PA 19103
Tel: (215) 569-5643
Fax: (215) 832-5643
Attorneys for Defendants